

THREE BURNS AIDES

**FINED AND
BOUND**

**OVER BY
RECORDER**

Detectives Are
Charged

With Operating in
Atlanta

Without Permission
of the

Police Board and
Chief.

***CITY'S LAW IS
ATTACKED
BY PRISONER'S
ATTORNEY***

Judge Powell Declares Or- Dinance Is Unconstitution- Al—Cases Against Mc- Worth and Sears Are Dis- missed.

W. W. ("Boots") Rogers, an operator of the local Burns Detective Agency, who has been assisting Dan S. Lehon, southern manager of the Burns International Detective Agency, in investigating the alleged illegal and "frameup" methods said to have been pursued by the Atlanta Police in securing evidence against Leo M. Frank, convicted of the murder of Mary Phagan, was fined \$100.75 by Recorder Nash Broyles Wednesday

afternoon in Police court and bound over under Bond of \$200 for violating a state statute.

Rogers was charged with operating as a Detective in the City without the permission of the Police board and the chief of Police. The state case against him was similar in character, being a violation of an act of the General Assembly of 1892, making it a misdemeanor for persons to operate as Detectives in the state without first securing permission from lawfully constituted authorities.

Two Others Fined.

Following the trial of "Boots" Rogers, the case against C. C. Tedder, of a similar character, was tried, and Tedder met with the same fate.

L. P. Whitfield, another Burns Operator, was fined \$100.75 and bound under similar charges.

Each of the three Detectives, in lieu of paying their fines, was given the alternative of serving thirty days in the City stockade.

All gave Certiorari Bond, and will appeal the Cases to a higher tribunal than the City court, along with Dan S. Lehon, who was fined on Tuesday for similar infraction of the City's Ordinances and state laws.

Judge Arthur G. Powell has, throughout the trials of the Detectives, for whom he has served as chief counsel, paved the way for testing out the constitutionality of the City Ordinances prohibiting persons from operating as Detectives in Atlanta except under the supervision of the chief of Police and the City's Detectives. Judge Powell claims that the City Ordinances are unconstitutional, and holds that they were further unreasonable, because when working for the defense of Leo M. Frank it would have been impossible for the Burns Agency to have worked under the supervision of the Police and in co-operation with them.

Two Cases Are Dropped.

City Attorney James L. Mayson requested that the Cases against W. D. McWorth and C. E. Sears, manager of the local Burns Agency, be dismissed, as it was discovered that McWorth, while formerly in the employ of the Pinkertons, had received permission from the Police authorities to operate in the City as a Detective, and that this permission had never been revoked through any official action of the Police commission or chief of Police.

C. E. Sears' case was dismissed on the grounds that he had applied for a license from the City council and had not operated a Detective Agency without first securing permission from the Police authorities. The City Ordinance imposes the penalty of revocation of license of managers of Detective agencies who employ Operators not approved by the Police authorities, and as the City council had already withdrawn Sears' license he was allowed to go without trial.

Rogers Attacks Police.

"Boots" Rogers, in an interview with a *Constitution* Reporter last night, bitterly attacked the methods of City Detectives Starnes and Campbell in securing from him the statement in Solicitor Dorsey's office recently. This statement detailed Rogers' work for the Burns Agency.

Rogers stated that this statement was secured under the pretense of life-long friendship, and that he was inveigled into the solicitor's office under the pretense of friendly interest in him on the part of the City Detectives.

He branded their action in using his statement which he had given to them under the sacred ties of friendship in the prosecution against him in Police court as outrageous and unbecoming a Detective.

He branded the prosecution of the Burns Detectives by the Police authorities as persecution, and a play for political favor, declaring that if William J. Burns had made a statement that Leo M. Frank was guilty, the Cases in Police Court against the Burns

Operators would never have been made for operating without permission of the Police authorities.

Rogers declared that it was because the Burns Operators sought to disclose the facts about the “alleged frame-up methods,” said to have been pursued by the City Detectives and Police in securing evidence against Leo M. Frank to convict him for the murder of Mary Phagan, that the Police Cases had been made.

“It is a well-known fact that every private Detective Agency works men in the City of Atlanta secretly, and these men have never been approved by the Police authorities,” said Rogers.

Rogers stated that he had been employed by the Burns Agency to assist in the investigation of the alleged “crooked methods” used by the City Detectives and Police in securing evidence for the prosecution of Frank.
